IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No.253 of 2005 (S/B)

Jai Pal Singh Rajput aged about 60 years
S/o Late Amar Singh,
Presently working as Assistant Director,
Watershed Management
at Udham Singh Nagar ….. Petitioner

Versus

1. The State of Uttaranchal through Secretary, Agriculture Department, Uttaranchal Shasan, Dehradun.
2. The Director of Agriculture, Uttaranchal, Dehradun.
3. The Director of Agriculture, Uttar Pradesh, Krishi Bhawan, Lucknow.
4. Technical Audit Committee through its Chairman (Office of the Director, Agriculture, U.P.), Uttar Pradesh at Lucknow …… Respondents

……

Sri S.N.Babulkar, Senior Counsel with Sri Subhash Upadhyaya, Advocate for the petitioner.
Sri Lalit Sharma, Brief Holder for respondents 1 and 2.
Sri Sachin Panwar, Advocate on behalf of Sri S.P.S.Panwar, Additional Chief Standing Counsel (State of U.P.) for respondents 3 and 4.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S.Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Sri S.N.Babulkar, Senior Counsel with Sri Subhash Upadhyaya, Advocate fort the petitioner.

Sri Lalit Sharma, Brief Holder for respondents 1 and 2.

Sri Sachin Panwar, Advocate on behalf of Sri S. P. S. Panwar, Additional Chief Standing Counsel (State of U.P.) for respondents 3 and 4.

2. Sri Lalit Sharma, the learned Brief Holder on behalf of respondents 1 and 2 has raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Services Tribunal.

3. Sri S.N.Babulkar, the learned Senior Counsel for the petitioner, in view of the above objection, seeks permission to withdraw the writ petition with the liberty of filing a claim petition before the Nainital Bench of Public Services Tribunal as the petitioner is a retired Government servant and is at present residing at Udham Singh Nagar, which falls within the territorial jurisdiction of Nainital Bench of Public Services Tribunal and also to seek condonation of delay in filing the claim petition on the ground that the petitioner was pursuing the writ petition under *bona fide* belief.

4. Permission granted.

5. With the above liberty, the writ petition is dismissed as withdrawn.

6. With the above order, CLMAs Nos. 426 of 2007 and 1569 of 2007 also stand disposed of.

(J.C.S.Rawat , J.) **(Rajeev Gupta, C.J.)**
19.06.2007 19.06.2007

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